

## **REMARKS**

### **I. Status of Claims**

The Applicants have carefully considered the Office Action dated May 12, 2009, and the references it cites. Currently, claims 1-9 are pending in this application. The Examiner rejects:

- claims 1-3, 8, and 9 under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent Publication No. 2004/0228315 to Malkamaki (*Malkamaki*) in view of U.S. Patent Publication No. 2003/0210668, now U.S. Patent No. 7,352,722 to Malladi et al. (*Malladi*); and
- claims 4-7 under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Malkamaki* in view of *Malladi* and in further view of U.S. Patent Publication No. 2005/0041626 to Tirola et al. (*Tirola*).

In response, the Applicants submit the following remarks. Further, the Applicants submit the foregoing claim amendments for clarity and, therefore, no estoppel is created.

### **II. Claim Rejections Under 35 U.S.C. § 103(a)**

Claim 1 recites a method for supporting pilot boost to the uplink dedicated channels comprising, *inter alia*, transmitting an E-TFCI to a Node B by a UE before transmitting an E-DCH corresponding to the E-TFCI, adjusting an uplink pilot power boosting amplitude by the UE according to the E-TFCI, and performing an uplink inner loop power control by the Node B according to a measured SIR.

The Applicants respectfully submit that the alleged combination fails to teach or suggest transmitting an E-TFCI to a Node B by a UE before transmitting an E-DCH corresponding to the E-TFCI. In the Office Action, the Examiner contends that *Malkamaki* teaches transmitting an E-TFCI to a Node B by a UE before transmitting an E-DCH corresponding to the E-TFCI. However, FIG. 2 of *Malkamaki* illustrates that the dedicated physical data channel (DPDCH) and the dedicated physical control channel (DPCCH) of an uplink channel are transmitted in the same frame. Specifically, *Malkamaki* sets forth that:

[i]n the uplink direction, the data and control part are IQ-multiplexed, i.e., the user data of the DPDCH is transmitted using the I-branch and the control data of the dedicated physical control channel (DPCCH) is transmitted using the Q-branch.

See *Malkamaki at [0036]*. Further, “[t]he TFCI indicates that the [traffic format combination] used in this radio frame”, which is used to decode the information in the DPDCH frame. See *Malkamaki at [0047]*. Stated differently, *Malkamaki* describes that the TFCI of the DPCCH is transmitted at the same time as the DPDCH. Accordingly, *Malkamaki* is not analogous to claim 1, which recites transmitting an E-TFCI to a Node B by a UE before transmitting an E-DCH corresponding to the E-TFCI.

In the Office action, the Examiner alleges that *Malkamaki* describes transmitting the E-TFCI in advance due to a delay described therein. In particular, to support this allegation, the Examiner cites to a portion of *Malkamaki* that states that the TFCI is *interleaved* over 10ms, which causes the extra delay. See *Malkamaki at [0041]*. Thus, *Malkamaki* describes using an E-TFCI transmitted in 2 ms intervals rather than the TFCI transmitted over 10ms. The E-TFCI appears to not be interleaved and “should be provided in known positions for each 2 ms ‘TTI.’” See *Malkamaki at [0041]*. The Examiner contends that this cited portion suggests the E-TFCI is transmitted before the E-DCH.

The Applicants note that FIG. 2 of *Malkamaki* shows that the E-TFCI is transmitted via the DPCCH and the E-DCH is transmitted via the DPDCH. As noted above, the DPDCH and the DPCCH are IQ-multiplexed and, therefore, are transmitted at the same time. Further, “[t]he TFCI indicates that the [traffic format combination] *used in this radio frame.*” See *Malkamaki at [0047]* (*emphasis added*). Thus, *Malkamaki* describes that the TFCI is transmitted at the same time as the E-DCH. Further, the teachings of *Malkamaki* are consistent with the background of the instant application which states that, “[i]n existing systems, the TFCI and the DPDCH corresponding to it are transmitted simultaneously.” See *the specification at [0011]*. Accordingly, there is no teaching or suggestion in *Malkamaki* of transmitting an E-TFCI to a Node B by a UE before transmitting an E-DCH corresponding to the E-TFCI as recited in claim 1.

Applicants further submit that, contrary to the Examiner’s analysis, *Malladi* fails to disclose, teach or suggest adjusting an uplink pilot power amplitude by the UE according to the E-TFCI as recited in claim 1. To support this position, the Examiner relies upon paragraphs [0054], [0063], and [0096] of *Malladi*. However, paragraph [0054] merely

describes the fields in an uplink DPCH. Further, paragraph [0063] merely describes that a Node B compares a received SNR with a set point, and adjusts an uplink transmit power of the UE according to the comparison result. Paragraph [0096] of *Malladi* merely mentions that a transmitting unit 746, a modulator 744, and a TX data processor 742 for processing a data to the uplink according to W-CDMA standards. However, the descriptions of these cited portions of *Malladi* are not analogous to claim 1, which recites adjusting an uplink pilot power boosting amplitude by the UE according to the E-TFCL.

Further, neither *Malladi* nor *Tirola* cure at least the above-noted deficiencies of *Malkamaki*. Thus, for at least the foregoing reasons, claim 1 and all claims depending therefrom would not have been obvious from *Malkamaki* applied alone or in any reasonable combination with *Malladi* and/or *Tirola*.

### **III. Conclusion**

The Applicants submit that the above amendments and arguments are fully responsive to the Office Action dated May 12, 2009. Further, the Applicants submit that, for at least the foregoing reasons, all pending claims are in condition for allowance and notice to that effect is requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

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Dated: June 24, 2009